IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 65 OF 2007

IN

WRIT PETITION NO. 2458 OF 2006

Mukund Staff & Officers' Association....Applicant.
Versus
M/s. Mukund Limited..... .... Respondent .

Mr. Sanjay Singhvi with Ms.Jane Cox
for the Applicant / Petitioner.

Mr. P.K.Rele, Senior Advocate with Mr. Rajesh Rele,
Mr. Krishnan Nair i/by Mr. Piyush Shah for the
Respondent.

**CORAM : V. C. DAGA, J.**

**DATED : 12TH MARCH, 2007.**

**P.C.:**

Heard learned Counsel appearing for the rival parties and appreciated the submissions made by them.

2. The applicant / petitioner does not press for the reliefs claimed in prayer clauses (a) to (c) of the notice of motion. The statement made in this behalf by the learned Counsel appearing for the petitioner is taken on record.

3. It is needless to mention that the interim relief

can only be granted in the aid of final relief. The prayer as made can hardly be said to be in the aid of final relief. In the event of dismissal of the petition, it would be difficult to put the clock back. So long as the impugned award is not set aside, it is not possible to grant interim relief in terms of prayer clauses (d) and (e); which would virtually result in allowing petition, at the interim stage, may be partially, which in my opinion may not be permissible.

4. During the course of hearing, it is pointed out that the claim of gratuity has already been set up before the Tribunal and the same is pending for adjudication. In this view of the matter, it is made clear that this order shall not come in the way of the applications who have moved applications for gratuity, which are pending for adjudication before the Tribunal. Those applications shall be decided by the Tribunal on its own merits without getting influenced by this order.

4. In the result, notice of motion is dismissed with no order as to costs.

Sd/-

**(V. C. DAGA, J.)**